

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

NOLBERTO GONZALEZ-PABLO

Petitioner,

v.

Civil Action No.: 2:25-cv-368

CHRISTOPHER MASON, Acting Superintendent
South Central Regional Jail and Correctional Facility;
BRIAN MCSHANE, Acting Director of Philadelphia
Field Office, U.S. Immigration and Customs
Enforcement; KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security; and PAMELA
BONDI, Attorney General of the United States,
in their official capacities,

Respondents.

**DEFENDANTS BRIAN MCSHANE, KRISTI NOEM, AND PAMELA BONDI'S
MOTION FOR SUMMARY JUDGMENT AND/OR MOTION TO DISMISS
PETITIONER'S EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS**

Pursuant to Rules 12(b)(1), 12(b)(6), and 56 of the Federal Rules of Civil Procedure and applicable federal law, Defendants Brian McShane, Kristi Noem, and Pamela Bondi move the Court to enter an order dismissing this case and/or granting these Defendants summary judgment based on the following grounds:

1. This Court lacks jurisdiction over the claims asserted in the Petitioner's Emergency Petition For Writ of Habeas Corpus;
2. The Petitioner fails to state a claim upon which relief may be granted under federal law;
3. There is no genuine issue of material fact, and Defendants Brian McShane, Kristi Noem, and Pamela Bondi are entitled to judgment as a matter of law; and

4. Petitioner's petition and requests for relief in that petition are otherwise without merit under federal law.

5. In further support of this motion, Defendants Brian McShane, Kristi Noem, and Pamela Bondi rely on the certified records attached hereto as Exhibit 1.

Therefore, Defendants Brian McShane, Kristi Noem, and Pamela Bondi respectfully request that the Court enter an order granting them summary judgment and/or dismissing this civil action for lack of jurisdiction. The Petitioner is not entitled to injunctive relief because he has filed this action in the wrong forum, and he cannot establish that he is likely to succeed on the merits. Defendants Brian McShane, Kristi Noem, and Pamela Bondi also respectfully request such other and further relief as the Court deems appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2025, I electronically filed the foregoing **DEFENDANTS BRIAN MCSHANE, KRISTI NOEM, AND PAMELA BONDI'S MOTION FOR SUMMARY JUDGMENT AND/OR MOTION TO DISMISS PETITIONER'S EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS** with the Clerk of the Court using the CM/ECF system which will send notification to the following CM/ECF participant:

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